



Practitioner's Docket No. MBIO99-030RCEM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------------|--|------------|-------------|
| In re application of: | Barnes, Thomas M., et al. (as amended) | | |
| Application No.: | 09/333,159 | Group No.: | 1646 |
| Filed: | June 14, 1999 | Examiner: | Jiang, Dong |
| For: | NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE, THERAPEUTIC, AND OTHER USES | | |

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Supplemental Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and PTO/SB/08B (5 pages)
3. Copies of Listed Information Items Accompanying This Statement (29 references)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Carolyn Willey
(type or print name of person certifying)

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Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

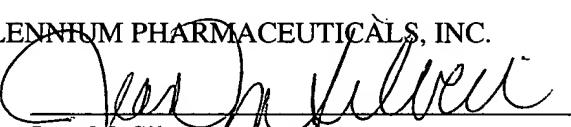
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Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in PTO/SB/08A and PTO/SB/08B (substitute for Form PTO-1449) accompany this information statement. Please note that these references and Information Disclosure Statement were previously submitted to the Examiner on December 21, 1999, and on November 19, 2002, however only the PTO-1449 form was received by the Examiner and not the references.

January 9, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By: 

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TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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The information disclosure statement submitted herewith is being filed:

Within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

OR

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- (1) a final action under Section 1.113,
- (2) a notice of allowance under Section 1.311, or
- (3) an action that otherwise closes prosecution in the application

whichever occurs first.

Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

OR

The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

In accordance with the requirements of 37 C.F.R. Section 1.97(d):

A. Accompanying this transmittal is the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

B. Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(1).

C. No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. Section 1.97(e)(2).

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FEE PAYMENT

3. The fee due is set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

Applicant believes no fee is due in connection with this submission.

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| | Fee due | \$180.00 |
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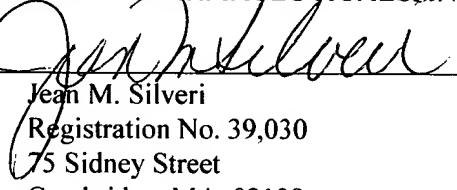
METHOD OF PAYMENT OF FEE

4. Attached is a check in the amount of \$ _____.

Charge Account No. 501668 in the amount of \$180.00.

A duplicate of this request is attached.

If any additional fees are due, please charge Account 501668.

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| <u>January 9, 2004</u> | MILLENNIUM PHARMACEUTICALS, INC. By  Jean M. Silveri Registration No. 39,030 75 Sidney Street Cambridge, MA 02139 Telephone – (617) 679-7336 Facsimile – (617) 551-8820 |
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| Substitute for form 1449A/PTO | | <i>Compl te if Kn wn</i> | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>9 2004 (use as many sheets as necessary)</i> | | Application Number 09/333159 Filing Date June 14, 1999 First Named Inventor Barnes, Thomas M., et al. (as amended) Group Art Unit 1646 Examiner Name Jiang, Dong Attorney Docket Number MBIO99-030RCEM | |
| Sheet 1 | 1 | of | 1 |

| | | | |
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| Examiner Signature | | Date Considered | |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(use as many sheets as necessary)</small> | | | | Application Number | 09/333,159 |
| | | | | Filing Date | June 14, 1999 |
| | | | | First Named Inventor | Barnes, Thomas M., et al. (as amended) |
| | | | | Group Art Unit | 1646 |
| | | | | Examiner Name | Jiang, Dong |
| | | | | Attorney Docket Number | MBIO99-030RCEM |
| Sheet 1 | 1 | of | 4 | | |

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | T ² |
|--------------------|-----------------------|--|----------------|
| | C1 | ELSBACH, P., "The Bactericidal/Permeability-Increasing Protein (BPI) in Antibacterial Host Defense", <i>Journal of Leukocyte Biology</i> , Vol.64, July 1998, pp.14-18 | |
| | C2 | MAHADEVA, R. MD, et al. "Vasculitis and Bronchiectasis in a Patient With Antibodies to Bactericidal/Permeability-Increasing Protein and alpha sub 1-Antitrypsin Deficiency", <i>CHEST</i> , Vol. 112(6), December 1997, pp. 1699-1701 | |
| | C3 | DOCHERTY, A.J., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL) (Lingual lipase)", Created August 13, 1987, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P04634. | |
| | C4 | Vaganay, S., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL)", Sequence updated July 15, 1998, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P80035. | |
| | C5 | Bodner, M. W., et al. "Triacylglycerol lipase, gastric precursor (Gastric lipase) (GL)", Created April 1, 1988, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P07098. | |
| | C6 | Anderson, R. A., et al. "Lysosomal acid lipase/cholesteryl ester hydrolase precursor (LAL) (Acid cholesteryl ester hydrolase) (Sterol esterase) (Lipase A) (Cholesteryl esterase)", Sequence updated October 1, 1994, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P38571. | |
| | C7 | Waterston, R. "Hypothetical protein C06E1.3 in chromosome III", Created February 1, 1994, (sequence) GenPept (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. P34298. | |
| | C8 | Strausberg, Robert. "Homo sapiens cDNA clone", June 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenPept Accession No. AA506741. | |
| | C9 | Marra, M. "Barstead mouse myotubes MPLRB5 Mus musculus cDNA clone", November 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA670682. | |

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>JAN 9 2004 (use as many sheets as necessary)</small> | | | | Application Number 09/333,159 Filing Date June 14, 1999 First Name d Inventor Barnes, Thomas M., et al. Group Art Unit 1646 Examiner Name Jiang, Dong Attorney Docket Number MBIO99-030RCEM | |
| Sheet 1 of 4 | | | | | |

| OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No. ¹ | Include the name of the author (in CAPTIAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published. | | | |
| | C10 | Marra, M., et al., "vi87g10.r1 Stratagene mouse heart (#937316) Mus musculus cDNA clone IMAGE:919266 5', mRNA sequence", July 1, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA499001. | | | |
| | C11 | Marra, M., et al., "vu67d08.r1 Stratagene mouse skin (#937313) Mus musculus cDNA clone IMAGE:1196463 5', mRNA sequence", February 9, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA794194. | | | |
| | C12 | Marra, M., et al., "vv53h10.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:1226179 5', mRNA sequence", January 21, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA756504. | | | |
| | C13 | McLaren, S., "Human DNA sequence from clone CTA-57G9 on chromosome 22q12.1, complete sequence." June 3, 2003, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA295116. | | | |
| | C14 | Wijngaard, P. L., et al., "B.bovis WC1.1 mRNA", May 24, 1994, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X63723. | | | |
| | C15 | Puschel, A. W., et al., "M. musculus mRNA for semaphoring B.", July 8, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X85991. | | | |
| | C16 | Strausberg, R. Ph.D., "aa34h11.r1 NCI_CGAP_GCB1 Homo sapiens cDNA clone IMAGE:815205 5', mRNA sequence", June 23, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA481246. | | | |
| | C17 | Wilson, R. K., "ze94e06.r1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:366658 5', mRNA sequence", March 29, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA029404. | | | |

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| Sheet 3 | | of 4 | | | |

| OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS | | | | | |
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| | C18 | Nathans, J., "17e7 Human retina cDNA randomly primed sublibrary Homo sapiens cDNA, mRNA sequence", May 8, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W25986. | | | |
| | C19 | Wilson, R. K., et al., "zj63a09.s1 Soares_fetal_liver_spleen_1NFLS_S1 Homo sapiens cDNA clone IMAGE:454936 3', mRNA sequence", February 5, 1998, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA779337. | | | |
| | C20 | Wilson, R. K., et al., "zn42f02.r1 Stratagene endothelial cell 937223 Homo sapiens cDNA clone IMAGE:550107 5', mRNA sequence", November 27, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA082143. | | | |
| | C21 | Marra, M., et al., "me11b04.r1 Soares mouse embryo NbME13.5 14.5 Mus musculus cDNA clone IMAGE:387151 5', mRNA sequence", June 11, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W65734. | | | |
| | C22 | Marra, M., et al., "mj65c04.r1 Soares mouse p3NMF19.5 Mus musculus cDNA clone IMAGE:480966 5', mRNA sequence", September 23, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA059511. | | | |
| | C23 | Marra, M., et al., "mq60d04.r1 Soares_thymus_2NbMT Mus musculus cDNA clone IMAGE:583111 5', mRNA sequence", December 11, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA153748. | | | |
| | C24 | Smith, M., "Human DNA sequence from clone RP1-149A16 on chromosome 22, complete sequence.", March 4, 2003, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AL021937. | | | |
| | C25 | Ameis, D. et al., "H.sapiens mRNA for lysosomal acid lipase", February 25, 1994, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. X76488. | | | |

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| | | First Named Inventor | Barnes, Thomas M., et al. (as amended) |
| | | Group Art Unit | 1646 |
| | | Examiner Name | Jiang, Dong |
| Sheet 1 of 4 | | Attorney Docket Number | MBIO99-030RCEM |

| OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS | | | | |
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| | C26 | Wilson, R. K., "zd90g02.s1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:356786 3', mRNA sequence", June 19, 1996, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. W80832. | | |
| | C27 | Wilson, R. K., "ab94f09.s1 Stratagene lung (#937210) Homo sapiens cDNA clone IMAGE:854633 3', mRNA sequence", June 25, 1997, (sequence) GenBank (online) Bethesda, MD, USA: National Center for Biotechnology Information [retrieved on January 7, 2004]. Retrieved from the Internet: URL: http://www.ncbi.nlm.gov/ . GenBank Accession No. AA630445. | | |
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